



Department of Environmental Quality

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To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

February 13, 2007

Certified Mail, Return Receipt Requested 7005 1820 0005 1476 1043
Certified Receipt

Mr. Brad Dingee
Powder River Coal Company
North Antelope/Rochelle Mine
P.O. Box 3034
Gillette, WY 82717-3034

RE: Permit No. 569-T6 Minor Violation Notice Number 400020, Docket No.4017-07.

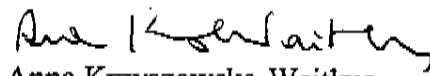
Dear Mr. Dingee,

Enclosed is a Minor Violation Notice for the North Antelope Rochelle Mine (Permit No. 569-T6) in Campbell County, Wyoming. The violation is a failure to republish a Public Notice of Blasting Activity at least every 12 months and at least 30 days, but not more than 60 days before blasting operation, as specified in Wyoming Department of Environmental Quality Coal Rules and Regulations, Chapter 6, Section 3 (a). The Land Quality Division (LQD) inspector noted in the October, 2006 Inspection Report blasting notification dates were in effect from 1/1/2006-12/31/2006.

There is not civil penalty assessed with this Minor Violation Notice.

If you have any questions concerning this Minor Violation No. 400020, please contact me at (307) 777-6284.

Sincerely,


Anna Krzyszowska-Waitkus
Senior Environmental Analyst

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deg.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7368
FAX 777-6937

LAND QUALITY
(307) 777-7756
FAX 777-5864

SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973



STATE OF WYOMING
DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION
HERSCHLER BUILDING, 122 W. 25TH ST
CHEYENNE, WY 82002
TELEPHONE: (307) 777-7756
COAL OPERATION
MINOR VIOLATION (NOTICE)

N.O.V. No. 400020
Permit No. 569-T6
Docket No. 4017-07

To the Following Permittee or Operator or Licensee:

Name: Powder River Coal Company

Mine: North Antelope Rochelle Mine County: Campbell Telephone: 307-687-3923

Surface: X Underground: _____ Other: _____

Mailing Address: Caller Box 3034 Gillette, WY 82717-3034

Date of Inspection: February 7 and 8, 2007

Time of Inspection: from 2-7-07 & 2-8-07 (a.m. or p.m.) to 7 a.m. to 5:30 p.m. & 7 a.m. to 2:00 p.m.

Name of Operator (if other than permittee): same as above

Mailing Address: same as above

Under the authority of the Wyoming Environmental Quality Act of 1973 (Act), as amended, the undersigned designated representative of the Director of the Wyoming Department of Environmental Quality (DEQ) has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) *listed in the attachment(s)*. This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

This Minor Violation shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of a designated representative or the Wyoming Environmental Quality Council. Time for abatement may be extended by a designated representative beyond 35 days and up to 90 days from issuance of the original Minor Violation Notice, if the failure to meet the time previously set was not caused by lack of diligence on the part of the Permittee or Operator. If the original Minor Violation(s) is/are not fully abated within the original abatement period and if the abatement period is not formally extended, as noted above, this Minor Violation will be formally upgraded to a full Notice of Violation.

DATE OF SERVICE FEBRUARY 13, 2007

MANNER OF SERVICE: CERTIFIED MAIL
#7005 1820 0005 1476 1043

Anna Kuzyszowska-Waitkus
SIGNATURE OF DESIGNATED REPRESENTATIVE
Anna Kuzyszowska-Waitkus
PRINTED NAME

PROOF OF SERVICE: RETURN RECEIPT REQUEST

PERSON SERVED WITH NOTICE: BRAD DINGEE

CC: CHEYENNE LQD
DISTRICT OFFICE
OSM - CASPER FIELD OFFICE

IMPORTANT - PLEASE READ CAREFULLY

1. **FORMAL REVIEW AND TEMPORARY RELIEF** You desire an informal conference with the Director, you must appear at the conference of this Notice by submitting an application for review, within 30 days of this Notice by you or your agent, to

Mr. John V. Corra, Director
Department of Environmental Quality
Herschler Building
122 W.25th St.
Cheyenne, WY 82002

If you apply for a formal public hearing, you may request temporary relief from this Notice. Your request must be filed at the above address prior to a decision in the hearing. The procedures for obtaining a formal public hearing or temporary relief are contained in W.S. § 35-11-437 (c) (ii) and (c), Land Quality Division (LQD) Coal Rules & Regulations (R&R) Chapter 16, and DEQ Rules of Practice and Procedures Chapters 1 and 2

2. **INFORMAL REVIEW.** You may submit information in writing pertaining to the violation(s) covered by this Notice within 15 days of the date it is served on you or your agent and request an informal conference with the Director. This information will be considered in determining the facts surrounding the violation.

FAILURE TO ABATE. If you fail to abate any of the violations within the time set for abatement or for meeting any interim step, this Minor Violation will be formally upgraded to a formal Notice of Violation. A formal Notice of Violation includes the possibility of a financial penalty.

4. **EFFECT ON THE PERMIT** A Minor Violation will not be counted toward a pattern of violations unless more than two Minor Violations were issued for similar infractions during the previous twelve month period.

FOR FURTHER INFORMATION, PLEASE CONSULT: W.S. § 35-11-409(c), W.S. § 35-11-437, LQD Coal R&R Chapter 16 and DEQ Rules of Practice and Procedures Chapters 1 and 2.

ATTACHMENT

MINOR VIOLATION

Notice of Minor Violation No. 400020
Violation No. 1 of 1

Permit No. 569-T6

Nature of the Violation

Powder River Coal Company has failed to publish a Public Notice of Blasting Activity for the North Antelope Rochelle Mine located in Campbell County, Wyoming.

Provision(s) of the Regulations, Act, or Permit Violated

Chapter 6, Section 3 (a) requires that the Public Notice of Blasting Activity be republish and redistribute the schedule by mail at least every 12 months. Also "*At least 30 days, but no more than 60 days before beginning a blasting program....the permitte shall publish a blasting schedule in a newspaper of general circulation on the locality of the proposed site.*" The last public notice covered the period commencing on January 1, 2006 and ending December 31, 2006.

Portion of the Operation to which Notice Applies

Blasting record keeping.

Remedial Action Required (including interim steps, if any)

Powder River Coal Company must publish a public notice of Blasting Activity in the Douglas Budget and the Gillette New Record as soon as possible.

Time for Abatement (including time for interim steps, if any) Not to exceed 35 days

Powder River Coal Company submitted a Public Notice of Blasting Activity for North Antelope Rochelle Mine to the Douglas Budget and Gillette News Records on February 8, 2007. The request asked to publish the notice on or before February 15, 2007. The blasting period covered the period between January 1, 2007 and December 31, 2007.